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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/050,690	01/16/2002	Thomas C. Adams	SC 013 CIP 7	8621

7590 01/20/2004

PMB 347
16690 Champion Forest Drive
Spring, TX 77379-7023

EXAMINER

KOHNER, MATTHEW J

ART UNIT	PAPER NUMBER
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3653

DATE MAILED: 01/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/050,690

Applicant(s)

ADAMS ET AL.

Examiner

Matthew J Kohner

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 10, 11, 15 and 16 is/are rejected.
- 7) ☒ Claim(s) 9 and 12-14 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

Examiner acknowledges that claims 17-20 have been cancelled from the application.

Currently claims 1-16 are pending.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The preamble of the claim is not commensurate with the body of the claim. The preamble states that it is a method for flattening a screen. However, the claim also includes and method of assembling a screen (i.e. gluing the plurality of layers of screening material). Additionally, the claim also includes a method of operating a screening device (i.e. mounting the screen and then feeding material through the screen while vibrating the screen). The claim is examined as best understood by the examiner.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are

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such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-8, 10-11 and 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 5,853,583 to Shah in view of US Patent No. 5,417,793 to Bakula.

Bakula and Shah disclose vibratory separators which appear to teach all the steps of applicants method claim. Since the steps of the method are disclosed, then consequently the result of the screens being flattened is known also.

Shaw discloses it is also known in the art screen drilling mud by using a "shale shaker" i.e. by feeding the drilling mud through a screen mounted on a vibratory separator wherein the screen is vibrated for a period of time (See Shaw Col. 1, lines 10+).

The limitation of claim 1 wherein, "the period of time of such a temporal length and the material temperature of such a temperature to effect flattening of the non flat areas of screening material" is very broad. Examiner believes that known shale shakers such as Shah would vibrate the drilling mud at such a temperature for such a period of time.

While Shaw does disclose screens in the shale shaker, he does not disclose how the screens are made. However, Bakula discloses that gluing together a plurality of layers of screening materials and securing the layers of the screening material to a frame is known in the art (See Col. 5, lines 36+). While Bakula discloses a different method of bonding the screens together, he discloses that gluing the screens is known. It would be obvious to one of ordinary skill in the art to create a screen by gluing a plurality of screens together and then use that screen in a shale shaker. There is motivation to do this. Since gluing a plurality of screens would create a stronger mesh and more efficient screen.

In regard to claims 2-3, it is well known in the art that drilling mud can reach temperatures of several hundred degrees (See attached paper¹ especially Fig. 5).

In regard to claim 4, Shah discloses the material is drilling fluid.

In regard to claims 5 and 6, Bakula discloses that gluing is known in the art (Col. 5, lines 36+).

In regard to claim 7, Bakula discloses a frame 11.

In regard to claim 8, Bakula does not disclose that the frame is made of tubular members. However, this appears to be a matter of design choice. It would have been an obvious matter of design choice to make the frame with a tubular members, since the applicant has not disclosed that by making the frame in a particular way would solve any stated problem or is for any particular purpose and it appear that the invention would perform equally well with the present teaching.

In regard to claims 10 and 11, Bakula discloses it is known in the art to bond the screen to the frame with powdered epoxy and liquid epoxy (Col. 7, line 65 – Col. 8, line 17).

In regard to claims 15 and 16, Bakula discloses that it is well known in the art to use at least a lower layer of coarse mesh and at lease on layer of fine mesh (See e.g. Col. 9, lines 1-15).

¹ Prediction of Formation Equilibrium Temperature while Drilling based on Drilling Mud Temperature: Inverse Problem using Trough2 and Wellbore Thermal Model.

Allowable Subject Matter

Claims 9, 10, 12-14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

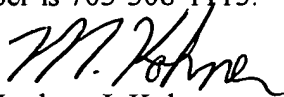
Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew J. Kohner whose telephone number is 703-305-8496. The examiner can normally be reached on Mon-Fri 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald Walsh can be reached on 703-306-4173. The fax phone number for the organization where this application or proceeding is assigned is 703-305-7687.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.


Matthew J. Kohner
Examiner
Art Unit 3653

MJK

DONALD P. WALSH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600